



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

March 2, 2009

Mr. John Conway
EIS Project Manager
Naval Facilities Engineering Command
Southeast
NAS Jacksonville
Ajax Street, Building 135N, P.O. Box 30
Jacksonville FL 32212-0030

Re: Draft Environmental Impact Statement for the Norfolk Harbor Channel, Proposed Dredging to Deepen Five Miles of the Federal Navigation Channel in the Elizabeth River from Lamberts Bend to the Norfolk Naval Shipyard (NNSY), Norfolk and Portsmouth, VA (CEQ# 20090002)

Dear Mr. Conway:

In accordance with National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) prepared by the Department of the Navy (Navy) for the above referenced project. The DEIS evaluates the Navy's proposal to deepen approximately five miles of Norfolk Harbor Channel, the Federal navigation channel in the Southern Branch of the Elizabeth River in Southern Virginia. The purpose of this action is to provide continuous uninterrupted access to the Norfolk Navy Shipyard (NNSY) for overhaul and repair and to Lamberts Point Deperming Station for magnetic silencing.

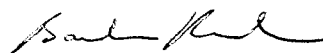
The Navy's preferred alternative, Alternative A, would deepen the Norfolk Harbor Channel at Lamberts Bend to 50 ft below MLLW (-50 ft MLLW), plus three ft of overdredge for a new channel depth of -53 ft MLLW. The remainder of the channel (Port Norfolk Reach, Town Point Reach, and Lower Reach) would be deepened to a depth of -47 ft MLLW plus three ft of overdredge for a new channel depth of -50 ft MLLW. Implementation of this proposed deepening alternative would require the removal of approximately four million cubic yards. This material would be placed at the U.S. Army Corps of Engineers Craney Island Dredged Material Management Area (CIDMMA) in Portsmouth, VA. The method of dredging will involve a combination of mechanical or clamshell bucket (20 percent) and hydraulic (80 percent) dredging techniques.

EPA commends the Navy for preparation of a thorough and readable document containing appropriate data, description of alternatives and preferred plans for the proposed dredging activity and sediment disposal. Environmental concerns that EPA maintains center on

disturbance of contaminated sediment and the disruption of the benthic system, release of sediment by operation of dredging equipment, particularly where the mechanical dredging methods will be employed and, though temporary, potential water quality degradation. Based on our review, EPA has rated the environmental impacts of the DEIS as "EC" (Environmental Concerns) for both dredging alternatives and the adequacy of the impact statement as "1" (Adequate). A few recommendations to minimize environmental concerns are presented in the attached comments. EPA requests that additional information be included in the Final Environmental Impact Statement (FEIS) to provide clarification and understanding as noted in the comments. A copy of EPA's ranking system is enclosed for your reference and can be found on the EPA website at the following address:
<http://www.epa.gov/compliance/nepa/comments/ratings.html>.

Thank you for providing EPA with the opportunity to review this project. If you have questions regarding these comments, the staff contact for this project is Ms. Karen DelGrosso; she can be reached at 215-814-2765.

Sincerely,



Barbara Rudnick,
NEPA Point-of-Contact
Office of Environmental Programs

Enclosures (2)



Attachment 1 Technical Comments

Dredging Operation

Sampling was done to identify contaminants present in sediment being removed by the proposed dredging process. It is unclear if discrete or composite samples (the meaning of the term "sub-sample" is uncertain, Appendix B, page 6) were collected at the three intervals sampled. The upper "A" zone thickness appears to be four feet. If samples were done by a composite of the total thickness of the section, it is possible to obscure some "hot spots". Clarification of sampling procedure would be helpful. The analysis of core samples (and, in a few instances, elutriate results) indicate elevated levels of contaminants, in particular high levels of metals, and in the Lower Reach, some very high PAHs (including pyrene) and PCBs. Though the potential for release of sediment appears to be minimized with the use of hydraulic equipment, as noted in the document on Page 4-20, where clamshell dredging is needed, spillage and redistribution of contaminated sediment is unavoidable. Consideration should be made of an "environmental bucket" if and where the mechanical dredging is required, to help minimize potential release and exposure of aquatic populations to suspended contaminated materials. Any contingencies that can be made to control unexpected sediment releases, or steps for impact minimization, monitoring or mitigation (that are likely to be included as conditions of required permits under the Clean Water Act and Rivers and Harbors Act), could be discussed in the Final Environmental Impact Statement (FEIS).

It may be appropriate to sample sediment on the channel bottom after completion of the operation to determine if the prediction of significant quality improvement is accurate. These data may also be useful in the future design of operations for maintenance dredging that will be required.

The chemical and physical parameters analyzed from core sampling have cleared use of Craney Island disposal location for the four mcy material expected to be dredged for the project. Please include in the FEIS any additional testing protocols that may be required for disposal, to comply with the site's operational permit.

Please report on any further coordination or response for the Coastal Zone Management Act consistency review.

Maintenance Dredging

Since maintenance dredging is not uncommon, the FEIS should address this possibility. Will there be a need for maintenance dredging of the Norfolk Harbor Channel in the future? If so, when can maintenance dredging be projected and what is the approximate amount of proposed dredged material? Will maintenance dredging have a bearing on cumulative impacts?

Environmental Justice

As stated on page 4-29, of the several residential areas for which environmental justice was evaluated, areas were identified as having either a higher concentration of minority of low-



income persons compared to areas of Hampton Roads and/or the Metropolitan Statistical Area. Although, the Navy determined that there were no significant adverse environmental effects identified for Alternative A, there is no discussion within the DEIS of outreach efforts extended to these communities to ensure their awareness of the proposed action. Were outreach efforts extended to local churches and civic groups in an effort to assure wider participation of the citizens in the community? Were notices extended to include local ethnic news outlets which tend to be more widely read by local residents? This information should be provided in the FEIS.

Visual Impacts

Also, has the Navy considered the neighboring communities that would be affected by the visual impact of the raised dikes which would result from the proposed action? The Visual Impacts discussion on page 4-10 states that the height of the dikes will have to be increased to sustain capacity at CIDMMA. Therefore, the preferred alternative would not result in direct or indirect adverse visual impacts. Despite the fact that the CIDMMA will continually evaluate the need to raise the dikes, it has been stated that the need to do so would result from the proposed action. In addition, depending on where the dredged material is placed at CIDMMA, the probable increase in the height of the dikes could have a long term and adverse visual effect on neighboring land uses. If the impacted communities fall within the evaluated Environmental Justice areas, mitigation for the visual impact should be considered and discussed in the FEIS?

